IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

WRIT PETITION Nos.13086,13090,13096,13100 of 1994

W.P.No.13086 of 1994

Between:

Agarapu Somulamma, Wife of late Sanni Babu, 65 years,

Gnanapuram, Visakhapatnam

..... PETITIONER

AND

1.The Special Tahasildar (L.A), Revenue Division, Visakhapatnam,

2. The Secretary, Housing Board, Visakhapatnam,

3. The Mandal Revenue Officer, Pendurthi Mandal, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to a writ of mandamus directing the respondents not to interfere with petitioner's possession in respect of the land admeasuring Ac. 2.50 cents in S.No. 12/2a part situated in Krishnarayapuram village, Pendurthi Mandal, Viasakhapatnam District and pass such other orders as the Hon'ble Court deems think fit.

Counsel for the Petitioner: MR.K.MANIKYALA RAO

Counsel for the Respondent Nos.1 & 3: GP for Revenue

Counsel For the Respondent No.2: Mr.N.Parameshwar Reddy,Additional Standing Counsel for R2 appearing for Mr.J.Prabhakar, SC for R2

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WRIT PETITION NO : 13090 of 1994

Between:

Agarapu Annapurna W/o. Bala Raju, Gnanapuram, Visakhapatnam District.

..... PETITIONER

AND

1 The Special Tahsildar (L.A) Revenue Division, Visakhapatnam Visakhapatnam District.
2 The Secretary Housing Board, Visakhapatnam.
3 The Mandal Revenue Officer Pendurthi Mandalam, Visakhapatnam District.
4 The Defence Estate Officer Visakhapatnam,. Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in nature of writ of Mandamus directing the respondents not to interfere with petitioners possession in respect the lands admeasuring Ac.1.46 cents in S.No.13/3 part and Ac.0.31 cents in S.No.10/10, situate at Krishanarayapuram Village, Pendurthi Mandalam., Visakhapatnam District.

Counsel for the Petitioner: MR.K.MANIKYALA RAO

Counsel for the Respondent Nos.1 & 3: GP for Revenue

Counsel for the Respondent No.2: Mr.N.Parameshwar Reddy,Additional Standing Counsel for R2 appearing for Mr.J.Prabhakar,SC for R2

Counsel for the Respondent No.4: Mr.T.Govardhan Reddy

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WRIT PETITION NO : 13096 of 1994

Between:

Agarapu Bala Raju,S/o.Late Mariadas, Ganapuram, Vishakapatnam Dsit.

..... PETITIONER

AND

1 The Special Tahsidar(L.A) Revenue Division, Vishakapatnam. Vishakapatnam Dist.
2 The Secretary, Housing board, Vishakapatnam.
3 The Mandal Revenue Officer, Pendurthi Mandalam, Vishakapatnam Dsit.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus, directing the respondents not to interfere with petitioner possession in respect the land admeasuring Ac.2.50 cents in S.No.12/2A part situate at Krishnarayanapuram (V),Pendurthi(M).,Vishakapatnam Dist.

Counsel for the Petitioner: MR.K.MANIKYALA RAO

Counsel for the Respondent Nos.1 & 3: GP for Revenue

Counsel For the Respondent No.2: Mr.N.Parameshwar Reddy,Additional Standing Counsel for R2 appearing for Mr.J.Prabhakar,SC for R2

WRIT PETITION NO : 13100 of 1994

Between:

Erothi Rajeswara Rao, S/o. Simhachalam,
Gnanapuram, Vishakapatnam.

..... PETITIONER

AND

1 The Special Tahsildar (LA) Revenue Division,
Visakahapatnam, Visakahapatnam Dist.
2 The Secretry, Housing Board, Vishakapatnam.
3 The Mandal Revenue Officer, Pendurthi Mandalam,
Vishakapatnam Dist.
4 The Defence Estate Officer, Vishakapatnam,
Vishakapatnam Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more particularly one in nature of Writ of Mandamus, directing the respondent not to interfere with petitioner/possession in respect the lands admeasuring Ac.0.32 cents in S.No,.12/3, Ac.1.87 cents in S.No.13/1, and Ac.0.33 cents in S.No.,10/12, situated at Krishnaarayapuram (V),Pendurthi (M),Vishakapatnam District.

Counsel for the Petitioner: MR.K.MANIKYALA RAO

Counsel for the Respondent Nos.1 & 3: GP for Revenue

Counsel for the Respondent No.2: Mr.N.Parameshwar Reddy,Additional Standing Counsel for R2 appearing for Mr.J.Prabhakar,SC for R2

Counsel for the Respondent No.4: Mr.T.Govardhan Reddy

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THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

WRIT PETITION NOS.13086, 13090, 13096, AND 13100 OF 1994

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COMMON ORDER:

In all these writ petitions, the main contention urged on behalf of the writ petitioners is that the respondents, without following the procedure prescribed under the Land Acquisition Act, are trying to dispossess the petitioners from the lands in question though they are in possession of the same and hence they filed these writ petitions seeking a direction to the respondents not to dispossess the petitioners from the lands in question.

Heard all the parties.

It is pertinent to note that in all these writ petitions, a counter has been filed on behalf of the A.P. State Housing Board wherein it is specifically stated that the Housing Board is neither interfering with the possession of the petitioners nor adopting any coercive methods to dispossess the petitioners from the land in question. This Court has recorded the same.

In view of the allegation made by the petitioners that they are being dispossessed without following due process of law, it would suffice, without going into the merits of the case, if a direction is issued to the respondents not to dispossess the petitioners from the land in question without following due process of law.

With the above observations, all these writ petitions are disposed of. No costs.

Mhn 26.8.2004